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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) No. 2074 of 2007

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

Petitioner

: Smt. Rajni W/o Kaushal Prasad, aged about 22 years, Resident of Gram Buchipara, Tahsil Pandariya, District Kabirdham, Chhattisgarh

Versus

Respondents

1. State of Chhattisgarh, through Additional Collector, District Kabirdham, Chhattisgarh
2. Smt. Chand Kumari W/o Rakesh Kumar Dhurve, aged about 23 years, Resident of Buchipara, Tahsil Pandariya, District Kabirdham, [Chhattisgarh]
3. Pariyojana Adhikari, Ekikrit Bal Vikas Pariyojana, Pandariya, District Kabirdham, [C.G.]

Present: Mr. Saurabh Kumar Pande, counsel for the petitioner.
Mr. Arvind Dubey, Panel Lawyer for State.

ORDER

(Passed on 5th Day of April, 2007)

1. Learned counsel appearing for the petitioner submits that the appointment of the petitioner on the post of Aanganbadi Karyakarta/Sahayika was rejected on the ground that the respondent No. 2 having similar qualification belonging to the same community. But the respondent No. 2 has obtained more marks that is 48.88 %. Thus, the appointment of the petitioner was bad on account of the facts that the respondent No. 2 had obtained more marks in class 8th examination certificate.
2. He further contends that the petitioner has produced a register of proceedings of Gram Panchayat before the Additional Collector, Kabirdham

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indicating that the respondent No. 2 is the daughter-in-law of elected Panch of the Gram Panchayat Buchipara. It is not clear from the order as to whether this aspect was examined by the Additional Collector or not.

3. Thus, the order passed by the Additional Collector, Kabirdham is set-aside. The matter is remitted back to the Additional Collector, Kabirdham for hearing and examining the register of proceedings produced by the petitioner indicating that the respondent No. 2 is a daughter-in-law of elected Panch, which disqualifies for being appointed as Aanganbadi Karyakarta/Sahayika, and pass appropriate order. Before passing the order, the Additional Collector, Kabirdham is directed to issue notice to the objector as well as petitioner herein providing proper opportunity of hearing.
4. Thus, the writ petition is allowed to the above extent. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge